

**RULES
OF
DEPARTMENT OF COMMUNITY HEALTH**

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http://rules.sos.state.ga.us/pages/DEPARTMENT_OF_COMMUNITY_HEALTH/index.html.

**111-2
HEALTH PLANNING**

**111-2-2
Certificate of Need**

111-2-2-.34 Specific Review Considerations for Traumatic Brain Injury Facilities.

(1) **Applicability.** The following Rules apply to Traumatic Brain Injury Facilities defined herein as providing transitional living programs and/or life long living programs. Any facility providing services similar to transitional living programs and life long living programs as defined herein which were in existence prior to the adoption of these Rules are not Traumatic Brain Injury Facilities until such facilities have applied for and received a Certificate of Need as a Traumatic Brain Injury Facility under these Rules. The Certificate of Need shall indicate for which program(s) the Traumatic Brain Injury Facility is approved, either a Transitional Living Program, or a Life Long Living Program, or both. To add a new program not previously approved shall require a new Certificate of Need.

(2) **Definitions.**

(a) "Life Long Living Program" means such treatment and rehabilitative care as shall be delivered to traumatic brain injury clients who have been discharged from a more intense level of rehabilitation, but who cannot live at home independently, and who require ongoing lifetime support. Such clients are medically stable, may have special needs, but need less than 24 hour per day medical support.

(b) "Official State Health Component Plan" means the document related to Traumatic Brain Injury Facilities developed by the Department, established by the Georgia State Health Strategies Council and signed by the Governor of Georgia.

(c) "Service Areas" means sub-state regions for traumatic brain injury facilities as defined in the most recent Official State Health Component Plan for Traumatic Brain Injury Facilities.

(d) "Transitional Living Program" means such treatment and rehabilitative care as shall be delivered to traumatic brain injury clients who require education and training for independent living with a focus on compensation for skills which cannot be restored. Such care prepares clients for maximum independence, teaches necessary skills for community interaction, works with clients on pre-vocational and vocational training and stresses cognitive, speech, and behavioral therapies structured to the individual needs of clients. Such clients are medically stable, may have special needs, but need less than 24 hour per day medical support.

(e) "Traumatic Brain Injury" means a traumatic insult to the brain and its related parts resulting in organic damage thereto that may cause physical, intellectual, emotional, social, or vocational changes in a person. It shall also be recognized that a person having a traumatic brain injury may have organic damage or physical or social disorders, but shall not be considered mentally ill.

(f) "Traumatic Brain Injury Facility" means a building or place which is devoted to the provision of residential treatment and rehabilitative care in a transitional living program or a life long living program for periods continuing for 24 hours or longer for persons who have traumatic brain injury. Such a facility is not classified by the Office of Regulatory Services of the Georgia Department of Human Resources or the Department as a hospital, nursing home, intermediate care facility or personal care home.

(3) Standards.

(a) A Certificate of Need (CON) is required prior to:

1. the establishment of a new Traumatic Brain Injury Facility; or
2. the establishment of a new program in an existing Traumatic Brain Injury Facility; or
3. capital expenditures for an existing Traumatic Brain Injury Facility which exceed the Certificate of Need (CON) threshold; or
4. an increase in beds in an existing Traumatic Brain Injury Facility.

(b) The need for a new or expanded Traumatic Brain Injury Facility in a service area shall be determined through application of the need method as described in the most recent Official State Health Component Plan for Traumatic Brain Injury Facilities.

(c) An applicant shall document that existing and approved Traumatic Brain Injury Facilities are not predicted to be adversely impacted as the result of the establishment of a new or expanded facility.

(d) Minimum bed size for a Traumatic Brain Injury Facility is six beds; maximum bed size for a Traumatic Brain Injury Facility is thirty beds.

(e) An applicant for a new or expanded Traumatic Brain Injury Facility may be approved for total beds to exceed 30 beds only if the applicant provides documentation

satisfactory to the Department that the program design, including staffing patterns and the physical plant, are such as to promote services which are of high quality, are cost-effective and are consistent with client needs.

(f) An applicant for a new or expanded Traumatic Brain Injury Facility shall provide evidence that the geographic location of the new or expanded facility improves the distribution of beds for similar facilities, existing or approved, within the planning area, based on the geographic and demographic characteristics of the planning area. If the applicant provides evidence that there does not exist an appropriate location for the proposed facility in another portion of the planning area, the proposed facility may be approved in the same portion of the planning area as a similar, existing or approved, facility(ies). Failure to provide sufficient justification will constitute adequate reason to deny an application.

(g) An applicant for a new or expanded Traumatic Brain Injury Facility shall provide:

1. evidence of a written policy regarding the provision of services regardless of race, age, sex, creed or religion; and
2. evidence of a written policy regarding the provision of services regardless of a client's ability to pay.

(h) An applicant for a new or expanded Traumatic Brain Injury Facility shall document that the Facility will be financially accessible by:

1. providing sufficient documentation that un-reimbursed services for indigent and charity patients in a new or expanded Facility shall be offered at a standard which meets or exceeds three percent of annual gross revenues for the Facility after provisions have been made for bad debt and Medicaid/Medicare contractual adjustments have been deducted. If an applicant, or any facility owned or operated by the applicant's parent organization, received a Certificate of Need (CON) for a Traumatic Brain Injury Facility and the CON included an expectation that a certain level of un-reimbursed indigent and/or charity care would be provided in the Facility(ies), the applicant shall provide sufficient documentation of the Facility's provision of such care. An applicant's history, or the history of any facility owned or operated by the applicant's parent organization, of not following through with a CON expectation of providing indigent and/or charity care at or above the level agreed to will constitute sufficient justification to deny an application; and
2. agreeing to participate in the Medicare and Medicaid programs, whenever these programs are available to the Facility.

(i) An applicant for a new or expanded Traumatic Brain Injury Facility shall:

1. demonstrate the intent to meet the standards of the Commission on Accreditation of Rehabilitation Facilities (CARF) which apply to post acute brain injury programs and residential services; and
2. demonstrate the intent to meet the licensure Rules of the Georgia Department of Human Resources for Traumatic Brain Injury Facilities (Chapter 290-5-53).

(j) An applicant for a new or expanded Traumatic Brain Injury Facility shall have written policies and procedures for utilization review. Such review shall consider the rehabilitation necessity for the service, quality of client care, rates of utilization and other considerations generally accepted as appropriate for review.

(k) An applicant for a new or expanded Traumatic Brain Injury Facility shall document the existence of referral arrangements with an acute care general hospital to provide acute and emergency medical treatment to any client who requires such care.

(l) An applicant for a new or expanded Traumatic Brain Injury Facility shall demonstrate that charges for services shall compare favorably with charges for similar services in the same geographic service area, when adjusted for inflation, or an adjacent service area if no similar services are operational in the area of the proposed facility.

(m) An applicant for a new or expanded Traumatic Brain Injury Facility shall document an agreement to provide the Department requested information and statistical data related to the operation of such a Facility and to report that information and statistical data to the Department on a yearly basis, and as needed, in a format requested by the Department and in a timely manner.